



Lamoine Board of Selectmen

Minutes of July 12, 2007

Chair Jo Cooper called the meeting to order at 7:00 PM

Present were: Selectmen Richard Fennelly, Jr., Chris Tadema-Wielandt, S. Josephine Cooper, Brett Jones, Cynthia Donaldson; Administrative Assistant Stu Marckoon, Animal Control Officers Harry Lounder, Michael Arsenault, Conservation Commission members Donna Thorburn, Joan Strout, School Committee Chair Faith Perkins, Code Enforcement Officer Dennis Ford, Deputy Code Enforcement Officer Michael Jordan, Assistant Town Clerk Kathleen DeFusco, and Parks Commission Chair Kerry Galeaz.

The meeting aired live on Lamoine CTV Channel 7, the first 2.5 hours were recorded.

Agenda Review – There were no changes requested on the review of the agenda or the addendum.

Minutes – June 28, 2007 – Stu noted Chris had submitted two minor written changes. Richard said he had a couple of minor corrections. Chris moved to approve the minutes as corrected. Richard 2nd. **Vote in favor was 5-0.**

Meeting with Animal Control Officers – ACO Harry Lounder reported that he was available for calls again following surgery. Jo asked if Mr. Lounder and Mr. Arsenault had a chance to talk with each other. Mr. Lounder advised they had a little bit. Jo asked if the ACO's had everything they needed. Mr. Lounder said a catch pole would be useful. Mr. Arsenault said he'd fashioned a couple himself, as they cost about \$135 apiece. A short discussion followed. Mr. Arsenault said pepper spray would also be useful when approaching aggressive dogs. A brief discussion followed on where to purchase pepper spray (Willey's). There was no objection to getting pepper spray.

Mr. Arsenault said he intended to take a course on animal cruelty investigation. A short discussion followed regarding a couple of cases of dogs running at large.

Code Enforcement Department – This item was moved to later in the agenda.

School Consolidation – Jo said she was taking herself out of the running as the representative of the Selectmen on the Regional School Unit planning committee. Richard said it's a huge time commitment. He said he'd be willing to do it, but the time is a concern, though he would make the time. Cynthia said she has thought about the job, and is willing to do it, but time was a concern for

her, too. She said her interest is in little children. Chris asked if only one person could have the position. Jo said the school committee discussed sharing. Faith Perkins said the team has to be tight, and the school committee felt it was best if the position is not shared. She noted she does have a backup for the first meeting. She said the planning unit could be a 27-member team, and it's important to have the same people there in order to develop relationships. Jo said the 3-member Lamoine team needs to communicate with each other and decide how to communicate with the community.

Brett asked if the law specified that the municipal officer's representative had to be a Selectman. Ms. Perkins said it only had to be a municipal official.

Chris said he would be content with Cynthia being the municipal official. Jo asked if Cynthia was willing to serve. Cynthia said she wanted to disclose that her husband, Gordon, is the facilitator for the planning group. She said she hoped people don't feel the group is stacked with Donaldsons. All Selectmen said they did not have that concern.

Brett asked about an alternate who could help with continuity. Cynthia said she thought it would be terrific to have a backup, but she's not sure how to weigh that with the committee members keeping up to speed. Jo said it's important to have Cynthia report back to the Selectmen and the community. Chris said Cynthia could call on any of the Selectmen to be a backup.

Cynthia was approved by the Selectmen as the RSU planning group municipal official by consensus.

Community at Large Member – Stu reported that Kathleen Rybarz, Ken Fredette, Dick Davis and Peter Farragher have expressed positive interest in serving as the at-large member. There was a lengthy discussion on the merits of each candidate. By consensus the Board chose Peter Farragher. Jo, Ms. Perkins and Stu signed a letter notifying the Superintendent of schools of the three members for the RSU planning unit.

Ms. Perkins informed the Selectmen that a notice of intent to consolidate has been filed. Richard stressed the question will be which towns Lamoine wishes to participate with. He said there needs to be a means of communicating with the town at large so that we don't get to a referendum vote and see the town reject the plan. Ms. Perkins said they want to get the real numbers first before sharing information. She said there is no time-line in her head for that, and she doesn't expect anything until fall. She said e-mail, the Lamoine Quarterly and other methods could be employed.

Selectmen asked Stu to send a letter to the three folks who offered their services thanking them. Cynthia asked that this issue be on each agenda for the

foreseeable future. A short discussion followed on the availability of minutes and posting those on the website.

Salt/Sand Shed – Chris asked about whether a smoke detector as suggested by the fire chief would be hooked to a central system. There was a brief pause in the meeting. When it resumed, further discussion followed about a smoke detector.

Cynthia said the commercial aspects raised by the Planning Board should be addressed. Brett said his idea was to limit the contract so that the material stored in the building could only be used for Lamoine roads. Chris said the town is the permit holder and has no right to authorize commercial use of the building. A short discussion followed. Dennis Ford said if a permit is granted for use as a municipal building and a contractor decides to use it differently, they would be in violation and liable for a fine. He said that would be a legal part for granting use as a municipal building. He said that could be written into the contract. Chris noted that Nankervis has already signed a contract. Mr. Ford suggested the contract could be amended. A short discussion about the contract followed.

Bidder List – After a brief discussion, Selectmen asked to include Richard King, Inc., Gary Googins and William Walker on the bid list.

Budget Proposal – Chairman Cooper – Jo explained her suggestion for expanded input into the budget process. She said she's been thinking about the process for a while, and adding more people would make it more of a collaborative process. She said when the budget committee first started there were a lot of disagreements, and that changed over time. She said there is frustration that no one at town meeting seems to listen to the budget proposals. She said she looked at what other towns do, noting that one town had an all-day workshop. She said she'd like something more methodical than that. She said she wanted to put this on the table for tonight as a first reading and talk about the idea next month.

Chris said the Budget Committee should be involved in the talk as well. There was discussion about bringing more people, including board representatives, to the table to work together, not having as many budget meetings, and getting more people on the same page. Jo said the Budget Committee might feel threatened by the proposal. She said she didn't like change either. She said one goal is to have the budget decisions made closer to the time the budgets are discussed. She noted that some of the committee members had trouble remembering the discussions last year. She said the idea was not to hang the Budget Committee out to dry at town meeting. Brett asked in what way they were exposed. Jo said the description of the Budget Committee is vague. She said if more were at the table there could be a clearer understanding. She said the role of the Budget Committee is to have perspective on the needs and the responsibilities of the town, and the fiscal oversight. A short discussion followed.

Richard said he's thought about it, and a lot of towns have a budget committee comprised of citizens and the Selectmen. He said the budget is comprised of cost centers - the County, Municipal and School budgets. He said if there was a group comprised of the School Committee and the Selectmen and a 5-person Budget Committee, it would make at least 11-people. Jo said it would be beneficial to keep the committee size below 12, and have an effective chair. She said the discussion needs to be with the Budget Committee.

Richard said something different needs to be done. Jo said when she was first elected, the Selectmen never attended the Budget Committee meetings. Brett said it would be helpful to have printed why there might be a disparity on some articles. He said he was unclear about the Budget Committee's position within the town government. Jo said it's an advisory committee with expertise, and it has some weight. A short discussion followed on the role of the Budget Committee, the role of other town boards, the capital plan and the desire to annually update that plan.

Cynthia said she didn't understand how the process works. Richard said it could be better streamlined with Selectman and School Committee membership. He suggested maybe 3 of the 5 members on each board could sit on the committee. Brett said he was interested in how mandates are quantified in the school budget. Jo said there is confusion in how the process works. She asked that the Budget Committee be informed that the Selectmen are talking about this. A short discussion followed on town meeting timing.

Veterans Memorial Committee – Fundraising – Jo said the committee is now trying to raise money. She said there is \$5,000 from the town. She asked if a fundraising letter could be sent out with the tax bills. Brett questioned whether that would be a good idea considering the tax bills are a request for money. Richard said he thought it would be a good idea, though people might question the cost. Mike Jordan asked how many other groups might ask to put a flyer in with the tax bills. A short discussion followed on an article in the Lamoine Quarterly and other ways to raise funds. Selectmen said they did not think a flyer in the tax bill would be a good idea. Jo said she thinks the project will get a lot of support anyway.

Roads – Stu reported the paving job was completed earlier in the day on Marlboro Beach, Maxwell, and Lorimer Roads. Richard said Dennis did a great job on the work list. Dennis said Stu did the work. Richard said he got a call with a concern with the lack of ditching. Dennis said he received a lot of suggestions from the FEMA representative who was here this spring. Richard said the specific concern was the lack of ditches on Asa's Lane. Dennis said the roads are in shameful condition. Chris asked about the status of the emergency repairs. Dennis said Perry Fowler was doing some of the work this week.

Richard said any work assigned to a local contractor has to be done in a timely fashion. He said if it can't be done in a timely manner, it should be bid out to a larger audience. Brett said he would like having more than one option for a contractor to do the work. Richard said the Selectmen need to do a better job of supporting the road commissioner. He said in any contract language there needs to be a completion deadline. He said contracts should be used. He said he would like to keep the work in town. Brett said he wondered when it would become more effective to have someone on staff to do plowing and summer maintenance. Stu suggested a possible consortium with Hancock and Trenton and a short discussion followed.

Mowing – Dennis asked if the Selectmen wished to have George Crawford do it again this year or to put it out to bid. Richard said he would prefer a bid. Jo said the Board would delegate the selection of the mowing contractor to Dennis.

More discussion followed on a contract for the summer road work. Selectmen stressed that a contract should include a site visit with the Road Commissioner and a time to complete the work. Dennis said he would like to present the road work list to the two major general contractors in town to bid with a finish time. Richard said that would work if there is a completion date with liquidated damages.

Chris asked about cold patch referred to on the FEMA road work lists. Dennis explained what that was.

Brett moved to approve the work list and to authorize the Road Commissioner to assign the work. Richard 2nd. **Vote in favor was 5-0.**

Parks – Stu said he'd received a request from the Parks Commission to encumber funds for the kiosks and some sand at Blunt's Pond. Richard asked if the intent was to complete the projects this summer. Kerry Galeaz, the Parks Commission chair, said it was their goal for this season. He said the kiosk project was bigger than they thought it was, and the other commissioners wanted to concentrate on getting the parks in shape for the summer first. He said the kiosks would be done by next year. Richard said that made good sense, and moved to approve the encumbrance request. Brett 2nd. **Vote in favor was 5-0.**

User Fee Schedule – Mr. Galeaz said the commission had talked about eventually setting fees as mentioned in the ordinance, but never got around to doing it. He said they wanted to keep it simple, and if the event was expected to attract fewer than 50-people the fee would be \$25, and if it was more than 50 people, the fee would be \$50. Chris asked about whether a security deposit was considered. Mr. Galeaz said they had not thought about that. A short discussion followed. Richard suggested adding language in the permit application saying that the applicant accepts responsibility for any damage.

Donna Thorburn asked what the process would be if the YMCA wanted to use the park. Mr. Galeaz said the consensus was that they would need a special events permit. He said any town sanctioned organization such as the school would not need a permit.

Richard moved to approve the fee schedule as proposed. Chris 2nd. **Vote in favor was 5-0.** Selectmen later signed the fee schedule order once it was finally drafted.

A short discussion followed on the sand project for the beach at Bloomfield Park. Mr. Galeaz said they plan to see that through this year with permitting from the DEP.

Mr. Galeaz said they would like to get the information on the new entrance to Bloomfield Park from Steve Salsbury. Discussion followed on getting an estimate on the work that will need to be done after that and coming to town meeting for funding. A short discussion followed on the work that will be done at Lamoine Beach Park by Jay Fowler.

Appointments – Stu said Tom Spruce was not sure about continuing on the Conservation Commission, and advised tabling that appointment.

Chris moved to appoint Joe Young as a Full Budget Committee member, taking Linda Feury's place for 3-years, and to appoint Linda Feury as an Alternate Budget Committee member for a two year term. Richard 2nd. **Vote in favor was 5-0.**

Conservation Commission – Joan Bragdon said the meeting with State Representative Rob Eaton the night before was good. She said the town ought to start doing things with the inter-tidal zone soon. Jo explained the discussion was about the shellfishing options. She said it was standing room only, and there was discussion about implementing a joint ordinance with neighboring towns. She said there is interest in working on shellfishing issues. Donna Thorburn said there was concern of space conflicts between worm diggers and clam diggers. Brett asked if the initiative was from Rep. Eaton or the state. Jo said Rep. Eaton was requested to address the group. She said if information is collected, it would give any joint effort more clout. A short discussion followed about issuing licenses and enforcement of any ordinance. *(the DVD recording of the meeting stopped here)*

Jo said a working group to look at the whole issue would be a great idea. Richard reflected back when he was an ordinance enforcer with the shellfish ordinance and said there were as many resident violators as non-residents.

Expenditure Warrant 1 – Selectmen signed expenditure warrant 1 for \$79,768.41. Stu said he moved \$50,000 from investments to cover the checks.

Cash & Budget Report – There was a brief discussion about the amount of surplus and unexpended budgets.

Checking Account Reconciliation – Selectmen signed the statement expressing satisfaction with their inspection of the checking account reconciliation. Chris asked about the breakdown of deposits. Stu said that shows up in the General Ledger printout and is summarized by the budget reports.

Mooring Fee Refund – Richard moved to authorize the treasurer to refund the mooring fee to Brian Stan who has opted to surrender his mooring. Chris 2nd. **Vote in favor was 5-0.**

Encumbrance Order – Jo moved to approve the encumbrance order prepared by the Treasurer. Richard 2nd. **Vote in favor was 5-0.**

Snow Removal Contract – Richard asked to add a change clarifying the use of the salt/sand shed on page 3 of the contract. He wrote out the language to include, clarifying that the salt/sand stored in the building is to be used only on Lamoine Roads. Chris suggested deleting the performance bond reference in section 16A. At the end of the meeting the re-drafted contract was signed by the Selectmen to be sent to Nankervis Trucking for final signature.

Employee Contracts – Stu said Chris made several corrections to the various contracts.

Kathy DeFusco inquired about mileage payments. Stu said the mileage to and from the bank is included at the end of the year because each trip is so small. He said he and Dennis fill out sheets, and when it's full they turn it in for payment. He said individual lengthy trips can be turned in for payment on time sheets.

Jo moved to approve the proposed contracts with Jennifer Kovacs, Kathleen DeFusco, Stuart Marckoon and Allen Sternfield. Richard 2nd. **Vote in favor was 5-0.** Selectmen signed the contracts at the end of the meeting.

Michael Jordan said he wanted some clarification about his working agreement as Deputy Code Enforcement Officer for the next year. A discussion followed and Selectmen by consensus said there should be a written working agreement.

Stu asked about the pay for FY 2007. Selectmen instructed Stu to pay Mr. Jordan the remainder of the \$500 budgeted which had not been paid.

Town Hall Reconfiguration – Stu reported Dennis Riley of Lanpher Associates was in the previous Friday and will be working up a proposal for design of the possible reconfiguration.

Cell Phone Tower – Stu reported he met the previous day with the engineer building towers for Verizon and they went to the landfill site. A brief discussion followed about the process for approving a lease of town owned land for a cell phone tower.

Other – Richard said he wanted to make it clear that he did not consider himself cowardly or dastardly in regard to the vote not to appoint Robert Sharkey as an alternate plumbing inspector. He said his choice of Michael Jordan for the deputy LPI job was based on the fact that Mr. Jordan is at practically every Selectmen's meeting and he has yet to see Mr. Sharkey at any function since he's been on the Board. He said he didn't believe the town needed two deputy LPIs.

Jo said that sounded fine to her. She said she was concerned that she did not wish to mix political views and job performance issues. She said she was OK with Mr. Sharkey as long as he did what needed to be done. She said she wanted Mr. Sharkey to have an opportunity to meet with the Selectmen, but he apparently did not see it that way, and it makes it difficult. She said she wanted it on the record that politics did not play a part in her decision.

Stu explained that following the last meeting he drafted a letter for Jo to send to Mr. Sharkey inviting him to meet with the Selectmen. He said Mr. Sharkey had written in response asking for the breakout of the vote. He said he drafted a response from the Selectmen to sign this evening. Selectmen reviewed the letter and made some minor changes. The letter was re-typed and signed at the end of the meeting.

Chris asked about the reference in Mr. Sharkey's letter to appointment of an unqualified person. Mr. Jordan said he would be taking the test in September. Chris asked if Mr. Jordan had the knowledge to perform the Deputy LPI job. Mr. Jordan said he did, but did not have the license yet. Mr. Ford said Mr. Jordan can inspect plumbing if he is in the employ of the town.

Richard said the Selectmen are under no obligation to re-appoint Mr. Sharkey. Stu said the policy states reappointment is at the discretion of the Selectmen. Chris noted that Mr. Sharkey's communications by letter instead of face to face would seem to be the cowardly part. Jo asked that the discussion not descend into name calling.

Paving Contract – Jo signed the paving contract with Lane Construction.

Disbursement Policy – Selectmen signed a duplicate disbursement policy previously signed at the June 28th meeting that was misplaced.

Septage Contract – Stu reported the contract with Haslam Septic for an end user site had expired and asked if the Selectmen would like to have another 3-year contract. Selectmen said to make the offer.

Next Meeting – The next regular meeting of the Board of Selectmen will be Thursday, August 9, 2007 at 7PM.

Executive Session – Jo moved to enter executive session pursuant to 1MRSA §405(6) (a) to discuss contract negotiations with the Code Enforcement Officer. Chris 2nd. **Vote in favor was 5-0.** In at 10:25 PM. Out at 11:47 PM

While the discussion took place, Stu retyped contracts for those approved earlier, the letter to Mr Sharkey and the Parks Use Fee Policy. Those were signed after exit from the executive session.

Jo asked about the Building & Land Use Ordinance in regard to someone living in a camper trailer. Mr. Ford explained the ordinance briefly and a short discussion followed.

Mr. Ford asked about a matter referred to in a previous job performance discussion and a short discussion followed.

Stu said he would redraft Mr. Ford's contract as discussed in Executive Session, present it via e-mail to the Selectmen and to Mr. Ford for signature.

There being no further business, the meeting adjourned at 11:54 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.